

REMARKS

Applicant respectfully requests reconsideration. Claims 67-86 were previously pending in this application. These claims are still pending for examination with claim 67 being an independent claim. No matter has been added.

Double Patenting Rejection

Claims 67-86 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-47 of U.S. Patent No. 6,376,242.

Without conceding to the Examiner's position, Applicant submits herewith a terminal disclaimer in compliance with 37 CFR § 1.321(c) over U.S. Patent No. 6,376,242 in order to expedite the prosecution of this application. Applicant further submits a Statement under 37 CFR 3.73(b) indicating that Emory University is the sole assignee having the entire right to the application and the cited patent. This Statement is accompanied by a copy of the Assignment by the inventor to Emory University of his entire right in the parent application (now U.S. Patent No. 6,376,242) and any divisionals or continuations, inter alia, of the parent application, and Notices of Recordation of Assignment for both the instant and the parent applications. The Assignment attests to the fact that Emory University is the sole owner of both the instant application and the cited patent.

In view of these submissions, reconsideration and withdrawal of the rejection is respectfully requested.

Application No. 10/602293
Amendment dated
After Final Office Action of June 20, 2005

Docket No.: E0355.70006US00

CONCLUSION

A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Respectfully submitted,



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